



HAGENS BERMAN  
SOBOL SHAPIRO LLP

DAVID S. NALVEN  
DIRECT (617) 475-1953  
davidn@hbsslaw.com

February 1, 2006

**BY ECF**

Honorable Marianne B. Bowler  
United States District Court  
For The District of Massachusetts  
John Joseph Moakley United States Courthouse  
One Courthouse Way, Suite 8420  
Boston, MA 02210

Re: In Re Pharmaceutical Industry AWP Litigation  
MDL No. 1456

Dear Magistrate Judge Bowler:

We represent the plaintiffs in this proceeding. Tomorrow, the Court is scheduled to hear motions concerning discovery sought against four absent class member Massachusetts health plans. In preparation for the hearing, I am writing to notify the Court of certain pleadings recently filed or served by the health plans, including as recently as this afternoon.

The motions concern discovery of four Massachusetts health plans:

- Tufts Associated Health Plans, Inc.
- Neighborhood Health Plan, Inc.
- Fallon Community Health Plan, Inc.
- Harvard Community Health Care, Inc.

The pleadings recently filed include the following:

*Document 2083.* Affidavit of Daniel M. Concaugh (Fallon), filed January 26, 2006.

*Document 2084.* Affidavit of Kevin C. McGovern (Fallon), filed January 26, 2006.

*Document 2085.* Affidavit of Leslie Fish (Fallon), filed January 26, 2006.

Honorable Marianne B. Bowler  
February 1, 2006  
Page 2

*Document 2089.* Non-Party Neighborhood Health Plan, Inc.'s Motion for Leave to File Supplemental Affidavit in Support of Motion for Protective Order and to Quash Subpoena from Defendant Dey, Inc., filed January 27, 2006.

*Document 2109.* Non-Party Tufts Associated Health Plans, Inc.'s Motion for Leave to File Supplemental Affidavits in Support of Its Motion for Protective Order, filed February 1, 2006.

*Document 2110.* Affidavit of James Roosevelt, Jr. in Support of Non-Party Tufts Associated Health Plans, Inc.'s Motion for Protective Order, filed February 1, 2006.

*Document 2111.* Affidavit of Miriam Sullivan in Support of Non-Party Tufts Associated Health Plans, Inc.'s Motion for Protective Order, filed February 1, 2006.

In addition, the following pleadings, although also recently filed, were scheduled for hearing tomorrow:

*Document 2091.* Non-Party Fallon Community Health Plan, Inc.'s Motion to Quash the Subpoena of Defendant Dey, Inc.

*Document 2092.* Non-Party Fallon Community Health Plan, Inc.'s Memorandum of Law in Support of Its Motion to Quash the Subpoena of Defendant Dey, Inc.

Finally, although not filed, the following objection to production, submitted herewith, was served in this proceeding and is related to these motions:

*Harvard Pilgrim Health Care.* Harvard Pilgrim Health Care, Inc.'s Objections to the Third Subpoena issued by Abbott Laboratories, served January 7, 2006.

Respectfully yours,

**/s/ David S. Nalven**

David S. Nalven

DSN:cr  
Enclosure

cc: Counsel for Parties (by LexisNexis File & Serve)  
Counsel for Massachusetts Health Plans (by email)  
Marc Duffy, Clerk to Magistrate Judge Bowler (by email)